

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: Romano v. Northrop Grumman Corp. et al., No. 16-cv-5760

**JOINT SUBMISSION REGARDING REQUESTS FOR EXTENSION OF
CLASS CERTIFICATION BRIEFING DEADLINES AND
ENLARGEMENT OF PAGE LIMITS**

Dear Magistrate Judge Tiscione:

Plaintiffs respectfully request that the current class certification briefing schedule be extended. Pursuant to Local Civil Rule 37.3 and this Court's Individual Practice Rules, Rule II. A.1, Plaintiffs further request permission to enlarge the page limits for Plaintiffs' oppositions to Defendants' *Daubert* motions and, in the interest of equity, to enlarge the page limits for Defendants' replies in support of their *Daubert* motions. Defendants consent to both requests.

Request for Modification of Schedule

The parties previously filed three joint requests for extensions of the schedule. (*See* ECF Nos. 137, 139, 150.) The first request allowed Plaintiffs more time to identify their class certification experts, submit expert reports, and move for class certification. (*See* ECF No. 137.) The Court granted this request, modified the schedule, and set Defendants' deadline to depose Plaintiffs' class certification experts to January 21, 2022. (Order dated August 25, 2021.) The second request accounted for additional time for Plaintiffs' expert disclosures and for Defendants to depose Plaintiffs' class certification experts. (*See* ECF No. 139.) The Court granted this request and adjusted the remaining class certification deadlines. (Order dated January 18, 2022.) The third request modified the class certification schedule to include deadlines for the parties' *Daubert* motions, and extended the Rule 23 briefing deadlines to allow the parties to submit all briefing to the Court together under Your Honor's bundling rule. (*See* ECF No. 150.) The Court granted this request, modifying the Rule 23 briefing schedule and setting a briefing schedule for *Daubert* motions. (Order dated August 17, 2022.)

The parties met and conferred regarding modification of the existing class certification and *Daubert* briefing schedules. Given the number of *Daubert* motions served or anticipated, as well as the complexity of this litigation and the number of expert witnesses involved, Plaintiffs respectfully request a short extension of the remaining briefing deadlines. Accordingly, Plaintiffs respectfully request that the Court enter the following proposed schedule:

Event	Existing Deadline	[Proposed] Deadline
Plaintiffs serve reply brief to Rule 23 motion, rebuttal expert reports, oppositions to Defendants' <i>Daubert</i> motions, and <i>Daubert</i> motions as to Defendants' class certification experts	November 21, 2022	December 15, 2022
Defendants serve oppositions to Plaintiffs' <i>Daubert</i> motions and replies supporting own <i>Daubert</i> motions	March 16, 2023	April 12, 2023
Plaintiffs serve replies in support of their <i>Daubert</i> motions, and file fully briefed Rule 23 motion and parties' <i>Daubert</i> motions	May 2, 2023	May 31, 2023

Request for Enlargement of Page Limits

Pursuant to Local Civil Rule 37.3 and this Court's Individual Practice Rules, Rule II. A.1, Plaintiffs also respectfully request permission to enlarge the page limits for Plaintiffs' oppositions to Defendants' *Daubert* motions to 35 pages for Plaintiffs' proposed experts Richard Bost and Paul Rosenfeld, and 30 pages for the remaining experts whom Defendants have moved to exclude; and a comparable enlargement of the page limit for Defendants' replies in support of their *Daubert* motions to 20 and 15 pages, respectively.

This is a complex action involving claims of purported personal injury and property damages. Plaintiffs previously submitted a request for enlargement of page limits relating to the Rule 23 briefing, on consent from Defendants. (ECF No. 138.) The Court granted this request, allowing Plaintiffs and Defendants 50 pages each for their Rule 23 motion and opposition, respectively. (*See also* Order dated Oct. 21, 2021.) Plaintiffs respectfully submit that it is not possible for Plaintiffs to respond to the issues raised in Defendants' *Daubert* motions within the default page limit for opposition briefs. The parties have conferred and agree, in the interest of equity, that Defendants should be granted a comparable enlargement of page limits for their replies in support of their *Daubert* briefs. The Court has the authority to grant the requested relief. *See* Rule II. A. 1 *supra*; *Desly Int'l Corp. v. Spartak*, 13 CV 2303 (ENV)(LB), 2018 WL 4522081, at *9 (E.D.N.Y. Aug. 1, 2018).

Conclusion

For the foregoing reasons, the parties request that the remaining class certification briefing schedule be extended, and that the page limits for the remaining briefing on Defendants' *Daubert* motions be enlarged.

Respectfully submitted,

ENVIRONMENTAL LITIGATION
GROUP, PC

By: /s/ Kevin B. McKie
Gregory A. Cade
Greg Anderson
Kevin B. McKie
2160 Highland Avenue South
Birmingham, AL 35205
Telephone: (205) 328-9200
Email: gregC@elglaw.com;
gary@elglaw.com;
kmckie@elglaw.com

NAPOLI SHKOLNIK

Lilia Factor
400 Broadhollow Rd.
Melville, NY 11747
Telephone: (212) 397-1000
Email: lfactor@napolilaw.com

Paul Napoli
Email: pnapoli@nsprlaw.com

Counsel for Plaintiffs

MORRISON & FOERSTER LLP

By: /s/ Katie L. Viggiani
Grant J. Esposito
David J. Fioccola
Katie L. Viggiani
Robert J. Baehr

250 West 55th Street
New York, New York 10019
Telephone: (212) 468-8000
Facsimile: (212) 468-7900
Email: gesposito@mofo.com
dfioccola@mofo.com;
kviggiani@mofo.com;
rbaehr@mofo.com

*Attorneys for Defendants Northrop
Grumman Corporation and Northrop
Grumman Systems Corporation*

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